

Introduced by Senator La Malfa

February 16, 2011

An act to amend Section 103050 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 413, as amended, La Malfa. Disposition of human ~~remains: fees: remains.~~

Existing law prohibits a person from disposing of human remains unless a death certificate has been obtained and filed with a local registrar and a permit for disposition has been obtained from a local registrar.

This bill would deem a permit for the disposition of human remains to have been issued if no action has been taken within 3 weeks after a permit for disposition has been requested from the local registrar.

~~Under existing law, the local registrar of births and deaths is required to collect various fees for an application for the disposition of human remains.~~

~~This bill would state the intent of the Legislature to eliminate the fees for the disposition of human remains.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 103050 of the Health and Safety Code is
2 amended to read:

1 103050. (a) No person shall dispose of human remains unless
2 both of the following has occurred:

3 (1) There has been obtained and filed with a local registrar a
4 death certificate, as provided in Chapter 6 (commencing with
5 Section 102775).

6 ~~(2) There has been obtained from a local registrar a~~ permit
7 for disposition *has been requested and obtained from the local*
8 *registrar.*

9 (b) (1) Notwithstanding subdivision (a), neither a death
10 certificate nor a permit for disposition shall be required to transport
11 human remains from California to an adjacent state for disposition
12 in that state when all of the following circumstances exist:

13 (A) The remains are found within 50 miles of the California
14 border and the nearest licensed funeral establishment is within 20
15 miles of the border in the adjacent state, and the remains are
16 released to that funeral establishment.

17 (B) The coroner with jurisdiction over the area in which the
18 remains were found authorizes their release pursuant to paragraph
19 (2).

20 (2) The coroner may release the remains to a licensed
21 out-of-state funeral establishment without a death certificate or
22 permit for disposition when he or she determines that all of the
23 following conditions exist:

24 (A) No forensic interest in the remains exists.

25 (B) A reasonable certainty exists that the cause of death will be
26 provided either by the primary physician, or by a review of medical
27 records by the coroner or medical examiner.

28 (3) The coroner with jurisdiction over the area in which the
29 remains were found who releases the remains to an out-of-state
30 funeral establishment shall, within 72 hours after the remains were
31 found, file a death certificate with the local registrar.

32 (c) Nothing in this section shall exempt a coroner, health officer,
33 health care provider, or other individual from requirements to
34 report a case or suspected case of any reportable communicable
35 diseases or conditions pursuant to any provision of the Health and
36 Safety Code or the California Code of Regulations.

37 (d) *A permit for disposal shall be deemed to have been issued*
38 *pursuant to paragraph (2) of subdivision (a) if no action has been*
39 *taken by the local registrar within three weeks after a request for*
40 *the permit has been made.*

1 ~~SECTION 1.—It is the intent of the Legislature to enact~~
2 ~~legislation that would eliminate the fees for the disposition of~~
3 ~~human remains.~~

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